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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of the Commission's Rules )  
to Establish New Narrowband )  
Personal Communications Service )

Gen. Docket No. 90-314  
ET Docket No. 92-100

To: The Commission

COMMENTS  
OF THE  
ASSOCIATION FOR PRIVATE CARRIER PAGING SECTION  
OF THE  
NATIONAL ASSOCIATION OF BUSINESS  
AND EDUCATIONAL RADIO, INC.

The Association for Private Carrier Paging Section of the National Association of Business and Educational Radio, Inc. ("APCP") by its attorneys, respectfully submits, pursuant to Section 1.106 of the Commission's Rules, 47 C.F.R. §1.106, its Comments in response to the Petition for Reconsideration filed by Paging Network, Inc. ("PageNet") in the above-captioned matter.

I. BACKGROUND

NABER is a national, non-profit, trade association headquartered in Alexandria, Virginia, that represents the interests of large and small businesses that use land mobile radio communications as an important adjunct to the operation of their businesses and that hold thousands of license in the private land mobile radio services.

In 1989, the Association for Private Carrier Paging ("APCP") was established by Private Carrier Paging ("PCP") providers under the auspice of NABER. Since that time, the Association expanded its membership to over 200 companies. This group has been actively

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involved in a variety of Commission proceedings, including filing Comments in PR Docket No. 88-548 (Frequency Coordination) and PR Docket No. 89-552 (Allocation of 220 MHz). **APCP** has developed committees which have met with Commission officials on several occasions to discuss issues of importance to **APCP**, and **APCP** committees are currently exploring means by which paging systems can more efficiently share the scarce spectrum made available for private carrier paging.

In this proceeding, PageNet requests that the Commission reconsider its decision to allocate narrowband PCS licenses on the basis of Major Trading Areas ("MTA") or Basic Trading Areas ("BTA"). PageNet's primary concern is the limited service area which the BTA licensee would receive, which PageNet believes would not be economically or technically feasible to construct.<sup>1</sup>

## **II. COMMENTS**

At NABER's recent APCP Council Meeting, PageNet's Petition was discussed in detail. Based upon such discussions, APCP supports PageNet's request that the Commission reconsider its MTA/BTA decision. In this regard, there is little value for the Commission to issue licenses for portions of spectrum which are not technically or economically feasible. The result of the Commission's assignment of BTA licenses will be to force licensees to combine with licensees on the same set of frequencies in every

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<sup>1</sup>PageNet also requests reconsideration of Commission decisions regarding construction requirements and the Pioneer's Preference received by Mobile Telecommunication Technologies ("Mtel"). On these matters, APCP incorporates by reference its Comments filed on November 22, 1993 in ET Docket No. 93-266.

surrounding BTA. While this result is not undesirable when there is an ultimate benefit to the public, so many licensees will need to enter into so many discussions with so many other licensees that service to the public will be delayed. As a result, such licensees will be at a competitive disadvantage vis-a-vis the MTA licensees or PCS providers in other portions of the spectrum.

APCP is not suggesting that the Commission only license narrowband PCS systems on a nationwide basis. However, a realistic assessment of a viable service area must be made. While a traditional two way radio system may operate with a single transmitter site, private carrier paging systems typically operate with a multitude of transmitters, all tied together through a variety of means. The services contemplated in the narrowband PCS proceeding will require even greater system "build-out" in order to become viable. As detailed by PageNet, the allocation of spectrum in a manner which will prevent the construction of even a single transmitter site in the service area is not an efficient means by which spectrum should be assigned.


In its discussions, APCP did not reach a consensus on an acceptable alternative allocation scheme. Nevertheless, APCP urges the Commission to closely review PageNet's demonstration that the BTA/MTA scheme will not work. APCP believes that the Commission, working in tandem with APCP members which are actively involved in this proceeding, will ultimately result in a fair and viable allocation of spectrum for narrowband PCS services.

### III. CONCLUSION

WHEREFORE, the Association for Private Carrier Paging Section of the National Association of Business and Educational Radio, Inc. respectfully requests that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

ASSOCIATION FOR PRIVATE  
CARRIER PAGING

By:   
David E. Weisman, Esquire

By:   
Alan S. Tilles, Esquire

Its Attorneys

Meyer, Faller, Weisman and  
Rosenberg, P.C.  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015  
(202) 362-1100

Date: November 22, 1993

**CERTIFICATE OF SERVICE**

I, Ruth A. Buchanan, a secretary in the law firm of Meyer, Faller, Weisman and Rosenberg, P.C., hereby certify that I have on this 22nd day of November, 1993, sent via First Class United States Mail, postage prepaid, a copy of the foregoing **Comments of the Association for Private Carrier Paging Section of the National Association of Business and Educational Radio, Inc.** to the following:

Judith St. Ledger-Roty, Esquire  
Lynn E. Shapiro, Esquire  
Reed Smith Shaw & McClay  
1200 18th Street, N.W.  
Washington, D.C. 20036  
Counsel to Paging Network, Inc.

  
\_\_\_\_\_  
Ruth A. Buchanan

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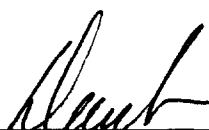


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